

MEMO ENDORSED

**LAW OFFICES  
JOHN S. WALLENSTEIN  
1100 Franklin Avenue, Suite 305  
Garden City, New York 11530  
(516) 742-5600 Fax (516) 742-5040  
Email: JSWallensteinEsq@outlook.com**

April 20, 2021

**BY ECF; EX PARTE**

Hon. Nelson S. Román  
United States District Judge  
United States District Court, SDNY  
300 Quarropas Street  
White Plains, New York 10601

Re: United States v. James Gaines  
Docket # 18 CR 205 (NSR) -01

Dear Judge Román,

As you know, James Bowen is scheduled to start trial before Your Honor on May 3, and my client, James Gaines, has been subpoenaed as a government witness. He intends to invoke his 5<sup>th</sup> Amendment privilege, and the resolution of that issue is before the Court as well, ECF # 101.

I have been involved with this issue since October 29, 2020, when the Government first contacted me about Mr. Gaines' testimony. I have had numerous telephone conferences with the government, defense counsel and my client regarding the issue since then, and have also had correspondence and reviewed the motions and orders in relation thereto.

I have been keeping the usual records of time expended, with the aim of submitting a supplemental CJA voucher after the Bowen trial. However, the CJA Clerks have advised my office that I can no longer submit a supplemental voucher, because too much time has elapsed since the final voucher.

I therefore respectfully request that the Court re-appoint me to represent Mr. Gaines, *nunc pro tunc* TO October 29, 2020, so that he may be properly represented at the upcoming trial when he must testify.

Thank you for your courtesy and consideration.

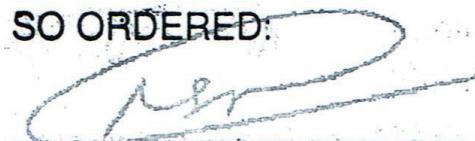
Respectfully yours,

JOHN S. WALLENSTEIN

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 4/22/2021

The Court grants counsel's request for re-appointment as Deft. Gaines' CJA counsel *nunc pro tunc* to Oct. 29, 2020. Clerk of Court requested to terminate the motion (doc. 102).  
Dated: April 22, 2021

**SO ORDERED:**

  
HON. NELSON S. ROMÁN  
UNITED STATES DISTRICT JUDGE